

SANTA MONICA MOUNTAINS CONSERVANCY

RAMIREZ CANYON PARK
5750 RAMIREZ CANYON ROAD
MALIBU, CALIFORNIA 90265
PHONE (310) 589-3200
FAX (310) 589-3207



AMENDED COMMENT LETTER
AGENDA ITEM 9(b)

September 24, 2007

Rudy Silvas, Principal Regional Planning Assistant
Los Angeles County Department of Regional Planning
Impact Analysis Section
320 West Temple Street, Room 1348
Los Angeles, California 90012

Notice of Preparation, SCH# 2007081132
Plum Canyon Revision Project, Tentative Tract Map No. 46018
Supplemental Environmental Impact Report

Dear Mr. Silvas:

The Santa Monica Mountains Conservancy (The Conservancy) has reviewed the Notice of Preparation (NOP) on Plum Canyon Revision, Vesting Tentative Tract Map (VTTM) Number 46018. The developer, Shapell-Monteverde Partnership, was required to prepare a Mitigation Plan for Plum Canyon Phase 1 C which was approved by the United States Army Corps of Engineers (ACOE), the California Department of Fish and Game (CDFG), and the Regional Water Quality Control Board in 2002. The NOP was not clear about the status of the permits or fulfillment of the permit conditions.

Site Plan Revisions

The developer has subsequently submitted a revision to VTTM No. 46018. Under the revision plans, a significant road extension has been proposed to an offsite location. The road extension is wholly tied to a larger adjoining project (Skyline Ranch), not the subject project VTTM 46018. We understand that this road extension, if approved, would result in the County permanently removing all roads up Plum Canyon from the Master Plan of Highways and all other General Plan or Area Plan documents.

The project proposes to add a new road which is ultimately envisioned to connect to Sierra Highway (Skyline Ranch Road). The initial study concludes that there is no need to evaluate this road in the EIR. However, this road was not approved or contemplated during

the original approval of the project. It is not a road identified in the General Plan. The sole purpose of the road is to accommodate an abutting proposed 1,200 unit development project (Skyline Ranch). As such, this road is growth inducing. The growth inducing impacts of this new road must be included in the Environmental Impact Report's (EIR) analysis.

It would be inappropriate to separately analyze the impacts of the road extension from the proposed Skyline Ranch project. Farrell Road, which ultimately merges and becomes Skyline Ranch Road, is completely integral with the Skyline Ranch project, which has nothing to do with the Plum Canyon Project, VTTM 46018. (Any other scenario would be project piecemealing.) The Draft Supplemental Environmental Impact Report (DSEIR) must explain why these Skyline Ranch project elements are not being analyzed together. The elimination of Plum Canyon Road is a great event, but what assurance is there that all undeveloped land in VTTM 46018 will be permanently protected in either a conservation easement or fee simple prior to any county approvals?

Project Impacts on Open Space

The DSEIR must show the portion of the proposed open space lots (67 and 68) that would be disturbed both temporarily and permanently by the proposed road extension and all of its proposed associated grading and drainage facilities. The DSEIR must accurately disclose the net biological impacts from the approved project versus the proposed changes. What assurances can the public obtain at this juncture that the proposed Skyline Ranch project will be appropriately mitigated?

The approved VTTM 46018 designated Lot 68 (lots 1308 and 1309 on Original VTTM 46018) as a conservation/mitigation area. It also precluded development on what is proposed to be Lot 67, resulting in open space. Lot 68 and proposed Lot 67 are all currently approved open space. The proposed project wants to remove much of the mitigation area from the southeastern most portion of Lot 68 and designate proposed Lot 67 as the new mitigation area. As a result, proposed Lot 67 and the northeast portion of Lot 68 will remain open space. Only a small portion of the southeastern most part of Lot 68 will remain open space. This results in less overall open space for the entire project. This loss of open space must be evaluated in the EIR.

In addition, the proposed open space/mitigation lots are intended to modify the mitigation measures for Phase 1C. This does not address mitigation for the proposed revised project.

The 2002 Mitigation Plan for Plum Canyon Phase 1 C by the CDFG, the ACOE, and the Regional Water Quality Control Board had an approximate 100-acre open space dedication that was to preserve and allow for the restoration of native vegetation. That dedication is depicted as best our staff could discern on the attached figured. In anticipation of receiving that dedication, the Mountains Recreation and Conservation Authority (MRCA) authorized the acceptance of the approximate 100-acre open space easement on June 24, 2002. The DSEIR must address whether or not that 100-acre area is currently permanently protected. The open space lots and maintenance endowment should go to the MRCA. It is fine if the applicant retains a license to complete all necessary mitigation required. In any case, the open space must go to a public agency in fee to be adequately protected.

Eliminating formerly Approved/Required Mitigation

The project will eliminate area that was designated and adopted as mitigation for earlier phases of the VTTM 46018 (Phase 1C). The mitigation included that a conservation easement be recorded for this area. These earlier phases for which this mitigation area was approved, have been recorded and are under construction. This project does not propose any revisions to these already recorded phases, therefore, the mitigation for these phases cannot be reduced or eliminated in any way as a result of this project. These mitigation measures can only be altered as a result of revisions to the phases for which they were adopted as mitigation.

The California Environmental Quality Act (CEQA) mandates mitigation for impacts. It was determined that these adopted mitigation measures would alleviate the impacts from earlier phases. As these earlier phases have been recorded and are under construction, the impacts have occurred or are eminent. As such, their mitigation measures must remain as adopted. Otherwise, CEQA will be violated as the mitigation measures for these impacts will not be implemented.

The Conservancy requests that an explanation be included in the DSEIR on what permission is necessary from the CDFG, the ACOE, and the Regional Water Quality Control Board to undo an existing dedication and mitigation measure from the certified EIR. Was the exact proposed road alignment and right-of-way fully identified in the relevant permits? If not, the DSEIR must also include the full written records (of current and previous owners), all available correspondence concerning Lot 68, where Skyline Ranch road extends, with the ACOE, the CDFG, and the Regional Water Quality Control Board dedication area.

We believe that the proposed actions are leading to a better environmental end. However,

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we must be diligent in assuring that all anticipated mitigation is provided for in iron clad agreements and CEQA mitigation measures. Please direct any questions and future correspondence to Paul Edelman of our staff at the above address and by phone at (310) 589-3230, ext. 128.

Sincerely,

ELIZABETH A. CHEADLE
Chairperson

cc: State Clearinghouse, Office of Planning and Research

Red line indicates newly added paragraph